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*Attorneys for Plaintiff, Edward Wheeler*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

EDWARD WHEELER, an individual,

Plaintiff,

vs.

CITY OF HENDERSON, a Nevada  
Municipal Corporation; HENDERSON  
POLICE DEPARTMENT, in its official  
capacity; CITY OF NORTH LAS VEGAS,  
Nevada, a Municipal Corporation; and  
NORTH LAS VEGAS POLICE  
DEPARTMENT, in its official capacity,

Defendants.

**Case. No.: 2:15-cv-01772-JCM-CWH**

**STIPULATION AND PROPOSED  
ORDER**

COME NOW, the parties, by and through their undersigned counsel of record,  
hereby stipulate and agree as follows:

1. Plaintiff filed his Amended Complaint on December 11, 2015 (Dckt. # 5).  
Defendant City of Henderson filed a motion to dismiss on January 5, 2016 (Dckt. #17).

1 Pursuant to Fed. R. Civ. P. 15(a), Plaintiff had until January 22, 2016, to file a response to  
2 the motion to dismiss. Plaintiff and the Defendant City of Henderson stipulated that  
3 Plaintiff's response to the Motion to Dismiss be due on Friday, February 5, 2016.

4 2. Plaintiff and Defendants the City of North Las Vegas and the North Las  
5 Vegas Police Department ("North Las Vegas Defendants") stipulated that the North Las  
6 Vegas Defendants' response to the Amended Complaint would be due on Wednesday,  
7 February 3, 2016. (Dckt. #20).

8 3. Pursuant to Local Rule 26-1(d), the deadline for Plaintiff to initiate the  
9 scheduling of Fed. R. Civ. P. 26(f) conference is February 4, 2016.

10 4. In light of the facts set forth above, to promote judicial efficiency, to avoid  
11 the incurrence of unnecessary attorneys' fees and costs, to narrow the focus of any motions  
12 to dismiss, and to synchronize the deadlines for all defendants in this case,

13 a. Plaintiff shall file a Motion to Amend and proposed Second  
14 Amended Complaint on or before February 8, 2016 (to the extent the parties cannot  
15 reach a stipulation to amend);

16 b. Discovery shall be stayed until any and all briefing is completed on  
17 Plaintiff's motion to amend and/or on any motions to dismiss; and,

18 c. ~~Plaintiff shall initiate the Fed. R. Civ. P. 26(f) conference with all~~  
19 ~~defendants within thirty (30) days of the date the briefing is complete on Plaintiff's~~  
20 ~~motion to amend and/or on any motions to dismiss.~~

21 5. In light of Plaintiff's anticipated Second Amended Complaint, North Las  
22 Vegas Defendants' response to Plaintiff's Amended Complaint will no longer be due  
23 February 3, 2016, but rather North Las Vegas Defendants will be required to respond to the  
24 Second Amended Complaint or Amended Complaint, to the extent the Court does not allow  
25 the filing of the Second Amended Complaint, in accordance with Fed. R. Civ. P. 15.

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28 ///

1 DATED this 2<sup>nd</sup> day of February, 2016.

DATED this 2<sup>nd</sup> day of February, 2016.

2 CITY OF HENDERSON

MCLEATCHIE SHELL LLC

3  
4 /s/ Nancy D. Savage

/s/ Margaret A. McLetchie

5 Josh M. Reid, NBN 7497

Margaret A. McLetchie, NBN 10931

Nancy D. Savage, NBN 392

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11 DATED this 2<sup>nd</sup> day of February, 2016.

12 LEWIS BRISBOIS BISGAARD & SMITH LLP

13  
14 /s/ Robert W. Freeman

15 Robert W. Freeman, NBN 3062

Gregory S. Bean, NBN 12694

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17 Las Vegas, Nevada 89118

*Attorneys for Defendants, City of North Las*

18 *Vegas and North Las Vegas Police Department*

19  
20  
21 **ORDER**

22 IT IS FURTHER ORDERED that the parties must file their stipulated discovery  
23 plan and scheduling order 14 days after briefing on the motion to dismiss is  
complete.

24 DATED: February 4, 2016

25   
U.S. MAGISTRATE

JUDGE